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June 21, 1996

Carol M. Browner, Administrator
Environmental Protection Agency
401 M Street S.W.
Washington, D.C. 20460

ILD 044 231 850

Dear Ms. Browner:

Please take steps to remove August Battaglia Distributing Company, 2545 South Ashland Avenue, Chicago, Illinois, from the CERCLIS data base. A Potential Hazardous Waste Site Identification and Preliminary Assessment Form dated August 18, 1980 indicates that on August 9, 1980 the EPA inspected the site and found no evidence of any release and no substances of concern on the site. No hazardous material was found. A non-hazardous solid waste in the form of peanut dust was noted as being present on the site. The dust accumulated in a pile near a cyclone collector used to process peanuts. The dust was being disposed of properly. On August 4, 1986 a follow up Potential Hazardous Waste Site Preliminary Assessment reports that there were no wastes, hazardous substances or evidence of releases found at the site. The peanut dust was no longer present.

Because there was no release at the site, the property should not be in CERCLIS. Even though the EPA inspections show no release of hazardous material on the site, the property remains in the CERCLIS. Pursuant to 42 USC Sec. 9616 and pursuant to the actual inspection of the site it appears that no further action is required at the site. The site was listed in CERCLIS even though the 1980 and 1986 inspections shows no release that needs to be tracked or needs to be addressed by the superfund program. 40 CFR Sec. 300.5 CERCLIS clearly requires that only a release on this site to be included in the CERCLIS. The Battaglia site continues to appear in searches of the CERCLIS. The presence on the CERCLIS diminishes the value of the Battaglia property.

Please act at once to remove the site from the CERCLIS.

Very truly yours,

John C. Dewolfe, Jr.
John C. Dewolfe, Jr.,
DeWolfe, Poynton & Stevens

